

## Wilson Men Name Mr. Ryan in Harvey-Wilson Break

Colonel Watterson had convinced the Governor of the truth of his opinion and had at least impressed Colonel Harvey with the probability of its truth, else Colonel Harvey would not have propounded the question.

"It is passing strange that Colonel Watterson should feel concerned that the Governor, in private conversation with himself and Colonel Harvey, should, in answer to a pointed question, give frank expression to the very view which Mr. Watterson himself entertained and which he had communicated to the Governor and probably to Colonel Harvey."

### Quotes Courier-Journal.

"In October last, also the very month in which he made these suggestions to Governor Wilson, Colonel Watterson said, in the Louisville Courier-Journal, editorially:

"Two things seem tolerably sure to the surprise of the Courier-Journal. If Woodrow Wilson is nominated for President it will be through the force of an irresistible pressure of public opinion; and if he is defeated for the nomination it will be by some organized agency, well backed with money."

"No democrat of modern times has come into the running, Samuel J. Tilden alone excepted, with half at once of the equipment and the claim of the New Jersey Governor."

"The tears that are being shed over the passing incident are wrong from those who have hitherto been the most conspicuous opponents of Governor Wilson. Witness the frequently quoted statement of Mayor Behlman, of Omaha, Neb., who for months not only been openly opposed to Governor Wilson, but who has been the aggressive champion of another President. The same applies to others who have indulged in inchoate expressions. This, of course, is to be expected whenever any man develops a decided lead for the nomination."

"The gist of the issue, as I see it, is whether one friend in private conversation with another should, in answer to a plain question, resort to flattery or dissimulation, or whether he should state the truth as he sees it."

## SAYS COLONEL HARVEY OFFERED "SOFT PEDAL"

NASHVILLE, Tenn., Friday.—"Well, I'll have to put on the soft pedal."

This exclamation Colonel Harvey, editor of Harper's Weekly, is declared to have made when Governor Woodrow Wilson, forced to reply to Colonel Harvey's query,

## MR. CLARK LEAVES HIS CANDIDACY TO DECISION OF STATE

Speaker of House and Mr. Folk Pledged to Abide by Missouri Convention.

HERALD BUREAU, No. 1502 H STREET, N. W., WASHINGTON, D. C., Friday.—"I say that I will stand by the decision of the Missouri Convention as to whether I shall be a candidate for the Presidential nomination. What else is there for me to say?"

This was the blunt declaration of Speaker Champ Clark, who, after a long and arduous fight, asked him to comment upon the agreement into which he and Joseph W. Folk, erstwhile Governor of Missouri, have entered. By the terms of this agreement both men stake their fortunes as President-elect in the outcome of a Democratic State Convention to be held February 20 at Joplin. Township delegates to this convention will be elected February 10; county delegates February 15; and the Speaker has explained his decision, but it is no secret that he believes his victory will be overwhelming.

Here is the Speaker's pledge: "I always have supported the Democratic nominee. I never bolted or scratched. I have been a Democrat since I was a boy. That is a matter of common knowledge in Missouri. Everybody knows it. I am too old to change my habits now."

"So far as I am concerned the decision of the Missouri Convention settles the Presidential matter. If by any accident I lose Missouri I will forbid the further use of my name in that connection and will support the nominee of the Joplin Convention. I am glad Mr. Folk promises to do the same."

"Up to this time the Speaker has not been an 'aggressive candidate.' Whatever has been done for him has been done by his friends, although he has acquiesced."

Privately the Speaker has explained his decision by saying that until his own State decided between him and Mr. Folk he could not do anything. His hands, he said, were tied by prior endorsement given to Mr. Folk at the last Democratic State Convention. He was not pledged to Mr. Folk along with other Missouri Democrats. He must abide his time.

If the friends of the Speaker are not too sanguine and indications are that they are not, by the end of the next month the Speaker's boom will be as actively pushed as is that of Governor Woodrow Wilson, of New Jersey, and Governor Judson Harbo, of Ohio, to-day. Arrangements will be made for the Speaker to visit in Baltimore during the convention, and bushels of Clark literature will begin to flood the mails.

## BOTH CANDIDATES ARE PLEDGED NOT TO BOLT

Formally Announce Purpose to Abide by Decision of Missouri Convention.

[SPECIAL DESPATCH TO THE HERALD.] ST. LOUIS, Mo., Friday.—The question as to whether Champ Clark and Joseph W. Folk would be willing to leave their Presidential aspirations to the Missouri State Convention was raised when an editorial in the Republic, the St. Louis Democratic paper, asked whether the two candidates would abide by the convention's decision, or whether they would go into other States and make an appeal from that judgment.

On the same day that the editorial was printed Mr. Folk and Mr. Clark wired responses. They agreed to abide by the convention's decision, and they stated their Presidential chances on the decision of the Missouri Convention.

Neither Mr. Clark nor Mr. Folk is making a speaking campaign for endorsement at Joplin, but both maintain headquarters in St. Louis and are flooding the State with literature.

## MR. DIX MAY MEET

Expected Conference Here Has an Important Bearing on Executive's Appointments.

## HEALTH OFFICER IS ONE

Selections Will Determine if Governor Has Broken with Tammany Leader.

[SPECIAL DESPATCH TO THE HERALD.] ALBANY, N. Y., Friday.—The democratic campaign fight over the appointment of a Health Officer and two Public Service Commissioners, the outcome of which will determine if Governor Dix has cut loose from Tammany Hall and is no longer susceptible to the influence of Charles F. Murphy, will be taken to New York to-morrow. Although Governor Dix is confined to the Executive Mansion to-day, he expects to be able to keep an engagement there with Secretary of War Stimson, when they will take up the matter of the Hudson River Improvement.

The Governor will either see the Tammany leader personally or through a trusted intermediary. That may be his secretary, John A. Mason, who will be in New York to-morrow on his way to Baltimore, where, with Norman E. Mack, he will make arrangements for the accommodation of the New York delegation at the National Convention.

It is expected that Mr. Murphy will want to know if he has been thrown into the political discard by the Governor. On the answer the Governor makes will depend largely the selection of the chairman of the Democratic State Committee. If he is willing to give the Tammany leader the salary of places Mr. Murphy will be inclined to listen with a good deal of consideration to the recommendation of the Governor for the honorary position. William C. O'Brien, Mayor of New York, and Poughkeepsie, Samuel J. Tilden, Herbert P. Bissell and Senator John F. Murphy are some of the men who have been considered by the Governor.

The State Committee will be called together in a few days to select a successor to Mr. Mack and to set the date of the State Convention.

There is a report to-day that Dr. A. T. Weston, Coroner's physician, is being considered as a compromise appointee for Health Officer. He is not Mr. Murphy's choice, but he is not objectionable to Tammany. He is a one-time resident of Washington county and a friend of the Governor for many years.

A delegation of railroad men called to-day at the executive offices to urge the appointment of Henry Hoppman, of Schenectady, as Public Service Commissioner in the Second district. He was a locomotive engine driver twenty-seven years, and the argument was made that the railroad men should have a place on the commission.

Michigan Farmer Hails Mr. Wilson as Next President.

CHARLOTTEVILLE, Mich., Friday.—A large crowd of residents, attracted by the shrill announcement of a mill whistle, met Governor Woodrow Wilson's special car as it rolled into the local station, en route to Grand Rapids. The New Jersey executive made a rapid speech.

"Bully for you, the next President," shouted a farmer, swathed in a huge fur coat. Governor Wilson looked in his direction inquiringly and smiled, but made no comment.

Although he long ago withdrew from active participation in the political management of the administration, Mr. Hitchcock has plainly stated it was his intention to stay in the government and push his plans of postal reform to fruition. Many of the reports now in circulation are traceable to the idea that his sudden announcement of his recommendation that the government buy and operate the telegraphs displeased Mr. Taft. However, the President may have regarded that as a personal matter, and Mr. Hitchcock's letter to Mr. Taft, encouraging Mr. Hitchcock to let it alone, is evidence of the activity of the Roosevelt movement.

The situation throughout the country, however, is such that the administration may not be able to get instructed delegations from some of the States which have been counted on by the Taft campaign.

Word came from North Carolina, where the republican organization has been disaffected as a result of President Taft's appointment of a democrat as a federal judge at Raleigh. Disaffected republicans of the administration are making efforts to prevent the instruction of the delegation for Mr. Taft. Similar efforts may be made in other States, but this does not mean that these delegations will not be sent. If he is secure in his hold on the nomination by the time the convention meets such unscrupulous delegations will probably swing in line.

Nothing like the whole strength and yet put forward in support of Mr. Taft's candidacy. The organization behind it is meagre and President Taft, unlike his predecessor, is indisposed to manage the political machinery himself. The situation of the administration has yet been put forward in support of Mr. Taft's candidacy. The organization behind it is meagre and President Taft, unlike his predecessor, is indisposed to manage the political machinery himself.

Talk of Mr. C. D. Hilles, the President's secretary, who is now managing his pre-convention campaign, shall become chairman of the National Committee, is increasing.

Plans Guard Day Here in May.

ALBANY, N. Y., Friday.—Following out his scheme for a semi-military athletic tournament, Adjutant General Verbeck has decided to set a date in May as Guard day in New York city. It is proposed to have National Guard organizations of New York and Brooklyn assemble, probably at Van Cortlandt Park, for a review by Governor Dix. In addition athletic features will be arranged.

Like William L. Ward, of Westchester, to create the impression that President Taft would bring defeat to the party, and that Theodore Roosevelt would be the "white hope," so to speak, caused much speculation and controversy. It was known that Mr. Ward did not personally favor Colonel Roosevelt. He talked Roosevelt to Representatives and committees from several States, and was told that the sentiment was for Taft. Still, he said, Roosevelt would be the formidable candidate.

His attitude mystified many of his closest political friends. According to the story now being told in high republican circles, it was the belief of Mr. Ward and his friends that the "white hope" was "sore" at President Taft for repudiating them at the Saratoga convention, that Mr. Barnes, the State chairman, would jump on the Roosevelt bandwagon as soon as the Roosevelt candidacy was launched. He did not do so. He is said by his friends to be opposed to the nomination of Colonel Roosevelt. He has told President Taft in so many words that he will be for him if he stands out for a platform constructed on the old-fashioned conservative lines. Just what that means Mr. Barnes has not explained, further than say he refers to the "ancient standards" of republicanism.

The eyes of politicians of both parties the country over are on New York. It is practically conceded that as New York goes in the fall election so will go the election.

## Senator Root Defends the Judges

and Denounces Recall as Dangerous

## BLAMES THE BAR FOR DELAYS OF JUSTICE

Never a Time When Wealthy Man Had Less to Do with Selection of Judiciary.

## MANY AT ANNUAL MEETING

Mr. Knox Tells of Administration's Policy in Central and South America.

A vigorous defence of the State and federal courts by United States Senator Elihu Root, coupled with a denunciation of the principle underlying the recall of judges, and an address on the duty of the United States in Central and South America, with a strong appeal for the ratification by the Senate of the United States of the pending Nicaragua and Honduran loan conventions, by Secretary of State Philander C. Knox, marked the opening of the thirty-fifth annual meeting of the New York State Bar Association in this city yesterday.

The meeting, which will continue to-day, closing with a dinner to-night at which President Taft will make the principal address, was one of the largest held in the history of the Association, upward of 500 lawyers from all parts of the State attending. From ten o'clock yesterday morning until almost midnight last night the members of the Association were in almost constant session, listening to speeches, the reading of papers and the submission of reports on intricate legal propositions.

The most important action of the day was taken after the reading of the report of the Committee on the Amendment of the Election Law. This committee has been considering an amendment which will take judicial candidates out of politics as far as possible.

### Separate Ballot Wanted.

Its report recommended that a law be passed providing for the placing of the names of all candidates for judicial offices on a separate ballot, to be arranged in alphabetical order, regardless of party affiliations. After the adoption of the report a resolution was passed requesting Governor Dix to send a special message to the State Legislature to take action on the proposed amendment as early as possible.

In the discussion which accompanied the passage of this resolution there was an echo of the agitation which the Cayuga County Bar Association started recently against Judge Ray, of the United States District Court. Judge John D. Teller, of Auburn, representing the Cayuga county association, presented a resolution calling on the State Association to take a stand in pressing the charges against Judge Ray, which are that he has repeatedly intimidated young lawyers by his alleged gruff and unreasonable conduct on the bench.

Senator Root did not read the resolution when it was handed up, but referred it to the Grievance Committee of the association.

The main event of the day session was the speech of Mr. Root, the president of the Association. In the evening the scene of the Association's activities was transferred from the rooms of the Bar Association, No. 42 West Forty-fourth street, to the doors when Secretary Knox spoke.

Senator Root's subject was "Judicial Decisions and Public Feeling." He said that there was an increasing tendency among Americans toward a feeling of distrust in the courts whenever judicial decisions do not agree with their wishes. Provision in certain States for the recall of judges, he said, was a manifestation of this impatience.

"With these tendencies," said Senator Root, "I have no sympathy. A sovereign people, which declares that all men have certain inalienable rights and imposes upon itself the great responsibility of the preservation of those rights and at the same time declares that it will disregard these rules whenever in any particular case it is the wish of a majority of its voters to do so, is a contradiction in terms. It is a contradiction of the fundamental principles of our government as it is possible to conceive. It abandons absolutely the conception of a right in the relation which the strong are bound to respect. It denies the vital truth taught by religion and realized in the hard experiences of mankind, and which has inspired every constitution of America, produced every great declaration of human freedom since Magna Charta—the truth that human nature needs to distrust its own impulses and passions and to establish for its own control the restraints of a guiding influence of declared principles of action."

"If this view is to be changed and the decisions of our courts are to be considered in the same way and upon the same presumptions and with no regard for the authority of the courts, the result will be inevitable, the independence of the judicial branch will cease, judicial decisions will interpret the law always to suit the majority of the moment, and the result will be the complete destruction of the principle of the rule of law."

Judges Never Were Better.

Senator Root said that the impatience which has manifested itself is not due to any deterioration in the character of judges, adding that there has never been a time when the favor of the wealthy or powerful man played so small a part in the selection of judges. The Bar Senator Root blamed "many technicalities and delays which impede the courts."

"It is the Bar," he said, "which, knowing all the facts and familiar with all the evils, insists upon the continuance of our methods to promote the immunity of criminals and the hindrance of justice to the point of denial."

After discussing the readjustment of our laws to conform with conditions brought about by our great industrial development Senator Root spoke of the application of the law, saying that the narrow limits of reasonable interpretation.

"It is not a judge's function nor within his power," he said, "to enlarge, improve or change the law. His duty is to maintain it, to enforce it, whether it be good or bad, and to stand by it with an unflinching and unswerving policy. It is very important to have reformers and advocates of all good causes, and thoughtful and public spirited citizens who are keenly alive to the defects in our system of laws and solicitous to find means to cure them."

## Has No Sympathy with Impatience with Courts, Tells New York Bar Association.

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ELIHU ROOT SECRETARY OF STATE KNOX ADDRESSING THE STATE BAR ASSOCIATION AT CARNEGIE HALL

alive to the defects in our system of laws and solicitous to find means to cure them.

"But the courts are excluded, by virtue of the special duty imposed upon them, from playing any of these parts. Their duty is to maintain and enforce the law as it is at the moment, to interpret it in sincerity and truth under the sanction of their oaths and in the spirit of justice, to prevent loyalty even change made in it by the law making power, but to stand firmly against any attempt to ignore it or nullify it except by the legitimate action of the popular sovereign in its making of changes in conformity to the constitution."

### Change the Law, but Not the Court.

"If a community is not satisfied with a law as it is declared by the court to be, the thing really desirable is, not to coerce or reconstruct a court to say that the law is what it is not, but to make the law what the community wishes it to be."

"If the people of our country yield to the impatience which would destroy the present and alone make effective the great constitutional rules and preserves our constitutional government, rather than endure the temporary inconvenience of pursuing regulated methods of changing the law, we shall not be reformers, we shall be makers of chaos, but we shall be exhibiting the weakness which thoughtful friends of free government the world over have always feared the most—the lack of self-control which enables great bodies of men to abide the slow process of orderly government rather than to break down the barriers of order when they obstruct the impulse of the moment."

In the discussion which followed Senator Root's speech Frederick W. Hinrichs, of Brooklyn, denounced the custom of political bosses having a hand in the nomination of judges.

Following Senator Root's speech a number of papers were read, among them one by Governor Simeon E. Baldwin of Connecticut, on "How Civil Procedure May Be Simplified in Connecticut," and another by Judge C. C. Andrade, of New York, on "Commencement of Action." He called attention to the fact that in this country a case may come for consideration before a dozen different judges at different times. He suggested as a remedy for this a divisional system under which certain judges would be assigned to sit permanently in certain divisions of the courts.

Mr. Andrade also recommended the modification of procedure relative to attachments, the abolition of service by publication and of orders of arrest save in case of contempt, attachment and execution.

Extracts from a paper on "Preparation for Trial and Trial Practice" prepared by George Gordon Battle and Joseph Prentiss were read, and the speaking came to an end with a paper on "Judgments" by Neal Dow Becker. Mr. Becker said that the dissatisfaction with our system of civil procedure would be considerably diminished if it were possible for a man with a just claim to get a judgment with a fair degree of speed.

The Committee on the Commitment and Discharge of Insane Criminals made a lengthy report, the gist of which was that an insane person who commits murder, or any other crime, with clearly defined criminal intent, should be held strictly accountable for his act. The case of Harry Thaw was cited by the committee in its argument on this point. Alfred E. Omen opposed the report on the ground that it was inhumane to pronounce an insane person guilty of a crime. The association appointed a committee to further investigate the subject.

### Committee Is Divided.

John Brooks Leavitt, chairman of a special committee on "The Abuse of the Contingent Fee," offered a resolution the effect of which was that where a client is unable to pay his attorney he shall be permitted to pay out of the proceeds of the litigation in which he is concerned, the amount to be agreed upon between them, or in case of failure to agree, by the court.

From this resolution, although other members of the committee, including Richard L. Hand, W. P. Goddelle and George Herbert Smith, concurred in it, Judge Clearwater said that a wiser course than presenting a resolution at this time was to wait for the development of loftier ethical standards. Frank Irving and Simon Fishman also dissented from the report of the committee.

After a long discussion of the subject

a substitute resolution making all contingent fee agreements subject to the scrutiny of the Court was offered and adopted.

The Committee on the Salaries of Federal Judges recommended increases of pay for Chief Justice of the Supreme Court, associate judges, circuit judges, district judges, and judges of the Selection of Candidates for Judicial Office submitted a report stating that in the last year the only nomination which it had called upon to protest against was that of William Willett Jr., in the Second District. The report endorsed Judges Haight, Vann, Cullen and Gray for reappointment to the Court of Appeals.

The Committee on Corporation Law submitted a report, which was adopted, requesting authority to continue its work and introduce a bill in the Legislature providing for the removal of the dollar mark from all stock.

## MR. KNOX TELLS OF POLICY IN THE SOUTH

In Carnegie Hall last night 2,500 persons heard Secretary Knox's speech on "The Monroe Doctrine and Some Incidental Obligations in the Zone of the Caribbean." Mr. Knox, who was introduced by Senator Root, got a warm reception. He said that the heaviest responsibility of the United States has resting on it to-day is that it should respond to the needs still felt by some few of our Latin-American neighbors in their progress toward good government by assisting them to meet their just obligations and to keep out of trouble.

In urging the ratification of the Nicaragua and Honduran loan conventions Secretary Knox departed from his former policy of non-interference in the internal affairs of the Republics of Central America, and advocated them as a responsibility incident to the Monroe Doctrine.

"It is the present policy of the United States," said Mr. Knox, "to take a helping hand to our sister republics to the south, to assure just determination of the claims of European nations against them. This admits no responsibility for the wrongs of the past, but it does admit the responsibility of the present time which this country has to consider. In other words, the question to determine is how far the United States may go in helping another American people to avert any injurious consequences of wrong doing."

Mr. Knox supported his position by quoting Theodore Roosevelt's message, while President, taking the ground that the Monroe Doctrine did not force the United States to interfere in the case of a European power attempting to punish a Latin-American country for an outrage committed against one of its citizens. Roosevelt also argued, said Mr. Knox, that the United States would certainly decline to go to war to prevent a foreign government from collecting a just debt. Mr. Roosevelt, however, held that the United States would certainly go to war to prevent a foreign government from even temporarily taking possession of a South American custom house, and on these points, Mr. Knox said, he and Mr. Roosevelt were in thorough accord.

"We diminish our responsibility," said Mr. Knox, "in proportion as we bring about improved conditions. Like an insurance risk, our risk decreases as the conditions to which it pertains are improved."

Mr. Knox did not hesitate to say that there was actual danger presented in the question of foreign interference in Central American republics.

"To-day no great liveliness of imagination is needed," he said, "to conjecture in retrospect whether the Pearl of the Antilles might have drifted but for the part taken by the United States in securing Cuba for the Cubans."

A President of Santo Domingo, said Mr. Knox, had gone so far as to make a secret agreement with Spain at the time of the civil war for the annexation of that republic to Spain. Recently, however, he had sent a war ship to Santo Domingo to force the payment of claims of Italians against the Dominican government. Mr. Knox added that the conventions proposed by the United States and Honduras were entirely separate from any contracts made between the governments of these countries and individual bankers in this country. In Santo Domingo, Mr. Knox said, the loan arrangement had proved that, far from bringing foreign entanglements, it had prevented them by eliminating discontented and clamorous foreign creditors such as are at the present time harrowing Nicaragua and Honduras.

After a long discussion of the subject

## WIRELESS NATIONS BAR UNCLE SAM

Great Britain Withdraws Invitation to Attend London Conference.

## ONLY FOR SIGNATORIES

Discussion Will Involve Berlin Convention, Which the Senate Failed to Ratify.

HERALD BUREAU, No. 1502 H STREET, N. W., WASHINGTON, D. C., Friday.

After consultation with representatives of the other Powers which will attend the International Wireless Conference in London next June the British officials, through the British Foreign Office, have withdrawn the invitation extended to the United States to attend the conference. The withdrawal of the invitation came to the State Department couched in diplomatic language, but made it clear that, as the conference was to discuss the conventions governing wireless as well as wireless regulations, it would not be possible for any nation not a signatory to the Berlin Wireless Convention of 1906 to be represented.

This action comes as the first international result of the failure of this government to sign the Berlin Convention.

The United States sent delegates to the Berlin conference, but the Senate failed to ratify the convention, thereby leaving the United States practically isolated among nations so far as wireless regulations are concerned.

Wireless experts of the United States government, backed by the State Department and the army and navy, say the dignity of the United States will suffer from non-representation at the coming International Conference, and that as a consequence the United States will not be able to share with other nations in studying the advance in wireless telegraphy made in Europe during the last six years.

About two months ago Great Britain extended the invitation to this government to send delegates.

House Committee's Findings Believed to Favor Strongly the Government Chemist.

HERALD BUREAU, No. 1502 H STREET, N. W., WASHINGTON, D. C., Friday.

After several days of secret sessions the House Committee on Expenditures in the Agricultural Department, which investigated the Wiley case, has made up its mind to submit a unanimous report to the House.

The exact nature of the report is being jealously guarded, but the fact that it has been concurred in by all democratic and republican members of the committee indicates that it will not be peppy.

That the report will either specifically or inferentially clear Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry and the government food expert, of the charges of administrative irregularities that have been made against him is taken for granted. The democrats started the investigation in order to protect the honor of President Taft got ahead of them by a statement issued several months ago, so both parties are already on record on this point.

"There is no politics in the report," said Representative of Massachusetts, a member of the committee. This fact, together with compromises on some of the matters about which the members of the committee had differences of view, permitted a full agreement.

The report pays much attention to the Remsen Board